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Appl. No. 09/530,803

REMARKS

Claims 10 and 15 have been amended to place them in agreement with claim 1, which was amended in the Response of October 31, 2003. Claim 10 has been amended to recite the range "greater than 1 wt % to 5 wt %". Claim 15 has been amended to recite the range "greater than 1 part to 5 parts."

No new matter has been added.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-5 and 7-15 as obvious over US Patent No. 4,551,501 to Shiga et al. in view of US Patent No. 5,684,099 to Watanabe et al. The Examiner contends that Shiga et al. disclose a polymer composition comprising a blend of crystalline polypropylene and vinyl cycloalkanes. He contends that treatment of a Ti/Et₃Al catalyst with vinyl cyclohexane results in the formation of poly(vinyl cyclohexane) containing the active catalyst. He further contends that in the subsequent step propylene is polymerized in the presence of the catalyst modified with a polymer containing vinyl units previously prepared. Lastly, he contends that the inventors contemplated the use of additives normally incorporated into polypropylene, however no specific amount of pigment is disclosed.

The Examiner contends that Watanabe et al. disclose compositions comprising polypropylene polymer nucleated with polyvinyl cycloalkanes. He contends that the reference teaches additives such as coloring agents used in an amount of 0.01-1 wt-%. The Examiner concludes that one with ordinary skill in the art would have been motivated to use the same amount of coloring agent taught in the Watanabe et al. reference in the

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Shiga et al. invention in order to produce a colored polypropylene composition. Applicants respectfully traverse.

Applicants first point out that the claims have been amended to recite the range of "greater than 1 wt-% to 5 wt-%" and "greater than 1 part to 5 parts by weight." Applicants submit that they are entitled to this range because the original range of 0.01 - 5 % wt. % and 0.1-5 parts by weight included all points between the end points, i.e. values greater than 1 wt-%.

In the Watanabe reference, column 10, lines 36-38, Watanabe teaches that additives such as coloring agents can be added in an amount that does not impair the effect of the composition. Yet in column 10, lines 62-64, Watanabe teaches that additives can be added in an amount of 0.01-1 wt-%. This teaching suggests to one skilled in the art that additives such as coloring agents impair the properties of the polymer if amounts greater than 1.0 wt% are used. That is, the reference teaches away from the instant invention. But Applicants have demonstrated that greater amounts can be used with no negative effect, as presented in the declaration of Dr. Harkonen which was submitted April 23, 2003.

In view of the above, Applicants respectfully request reconsideration and removal of the rejections.

In view of the above remarks, all of the claims remaining in the case are submitted as defining non-obvious, patentable subject matter.

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Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact (Reg. No.) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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